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23650

PATENT TRADEMARK OFFICE

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Attorney Docket No.: 6248.200-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Andersen

Application No.: 10/068,224

Group Art Unit: 3728

Filed: February 5, 2002

Examiner: FOSTER, J.

For: COMPOSITIONS FOR IVF

PETITION UNDER 37 C.F.R. § 1.181

Director, US Patent and Trademark Office

Mail Stop Petitions

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request that the period for responding to the Office Action of February 18, 2004 in the above-referenced patent application be re-set and any extension fees paid in connection with the most recent Amendment filed in response to this Office Action be refunded, as the Office Action was improperly mailed and never received by Applicants' representatives.

Applicants' representatives changed addresses in 2002. Prior to the mailing of the February 18, 2004 Office Action, Applicants' representatives provided their new address in association with their customer number, 23650, and identified this case as associated therewith both in a spreadsheet of associated applications in the most recent substantive paper (an Amendment filed in November 2003). Nonetheless, the Office Action was mailed to Applicants' representatives' old address and apparently thereafter returned by the US Postal Service to the Office with no further action taken concerning the matter on the part of the

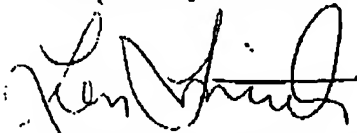
Office. Applicants' representatives only recently discovered this matter during a review of PAIR and have promptly taken action to resolve the matter. In all similar cases that have arisen, the Office has re-set the time for response. These facts are established by the Declaration of Tracy Bronner, Docketing Coordinator for the NNPI Patent Department, which is submitted herewith.

In view of these facts, Applicants respectfully request that the period for responding to the Office Action of February 18, 2004 be re-set and that the extension of time fees paid in connection with the Response to Office Action filed in response thereto (filed with the Office separately but concurrently) be refunded to Applicants' by depositing such refund to Deposit Account No. 14-1447. Such action is in accordance with the spirit of MPEP § 710.06.

Applicants note that a procedure for re-setting the period for response in similar situations is set forth in 1160 OG 14 (1994), wherein the Tech Center Director is authorized to review such petitions. Inasmuch as the facts here do not fit within the specific matters governed by 1160 OG 14 (e.g., the Office Action has never been "received" by Applicants), Applicants have submitted this Petition under Rule 181. If this procedure is in any way in error, Applicants request that this Petition be submitted to the Tech Center Director for review of this matter as a petition thereto.

Please charge the required fee, estimated to be \$130.00, to Novo Nordisk of North America, Inc., Deposit Account No. 14-1447. A duplicate of this sheet is enclosed.

Respectfully submitted,



Date: August 4, 2004

Len S. Smith, Reg. No. 43,139
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